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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/731,228

12/09/2003

Arnold H. Bramnick

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03/29/2007

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EXAMINER

LIOU, ERIC

ART UNIT

PAPER NUMBER

3628

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
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3 MONTHS

03/29/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/731,228

Applicant(s)

BRAMNICK ET AL.

Examiner

Eric Liou

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-26 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 09 December 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 3/29/04.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: ____.

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 2, 4, 5, 10-13, 17, 19, and 20 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
3. Claim 2 recites the limitation "the frequent flyer status" in lines 1-2. There is insufficient antecedent basis for this limitation in the claim.
4. Claim 4 recites the limitation "the remaining flight ticket value" in lines 1-2. There is insufficient antecedent basis for this limitation in the claim.
5. Claim 5 recites the limitation "the rebooking cost" in lines 1-2. There is insufficient antecedent basis for this limitation in the claim.
6. Claim 10 recites the limitation "the application of a set of rules" in lines 1-2. There is insufficient antecedent basis for this limitation in the claim.
7. Claim 17 recites the limitation "the frequent flyer status" in line 2. There is insufficient antecedent basis for this limitation in the claim.
8. Claim 19 recites the limitation "the remaining flight ticket value" in line 2. There is insufficient antecedent basis for this limitation in the claim.
9. Claim 20 recites the limitation "the rebooking cost" in line 2. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

10. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

11. Claims 1-4, 6-7, 9-10, 12-19, 21-23, and 25-26 are rejected under 35 U.S.C. 102(e) as being anticipated by Slivka et al., U.S. Publication No. 2003/0225600.

12. As per claims 1 and 16, Slivka teaches the method and machine readable storage (Slivka: paragraph 0018) comprising the steps of: determining denied boarding candidates for said flight (Slivka: Figure 2 and paragraph 0036, “Following an airline flight disruption (e.g., operational disruption), an airline entity, travel agent, or other travel based entities, may determine to re-accommodate disrupted passengers.”); comparing passenger data for said denied boarding candidates (Slivka: Figure 1, “120”, paragraphs 0015, “a disrupted passenger may be re-accommodated based on an overall value of the passenger's aggregate business compared to other passengers on a same disrupted travel service (e.g., flight).”, and paragraphs 0024-0026, “employ rules that rank certain types of passengers.”) and selecting passengers for said flight using said passenger data (Slivka: paragraph 0036, “re-accommodation driver 111 may retrieve a Passenger Name Record (PNR) list associated with the disrupted flight from a PNR data structure that may be located in operations database 118 or another storage device.”).

13. As per claims 2 and 17, Slivka teaches the method and machine readable storage of claims 1 and 16 as described above. Slivka further teaches the passenger data comprises the

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frequent flyer status of the passenger (Slivka: Table 1, paragraph 0024, “rules engine 113 may associate a data code reflecting a type of travel status of a passenger, such as a frequent flyer status.”, and paragraphs 0033-0035).

14. As per claims 3 and 18, Slivka teaches the method and machine readable storage of claims 1 and 16 as described above. Slivka further teaches passenger data is passenger financial data (Slivka: paragraphs 0033-0035).

15. As per claims 4 and 19, Slivka teaches the method and machine readable storage of claims 3 and 18 as described above. Slivka further teaches passenger financial data comprises the remaining flight ticket value of each denied boarding candidate (Slivka: paragraphs 0035 and 0037– The Examiner interprets the average cost of the passenger’s history to include the remaining flight ticket value.).

16. As per claims 6 and 21, Slivka teaches the method and machine readable storage of claims 3 and 18 as described above. Slivka further teaches passenger financial data comprises passenger lifetime value data (Slivka: paragraph 0006, “...value established by airlines, ancillary services, and/or commodities, such as hotel and car reservations.”).

17. As per claims 7 and 22, Slivka teaches the method and machine readable storage of claims 3 and 18 as described above. Slivka further teaches passenger financial data comprises re-accommodation data (Slivka: paragraphs 0033-0035).

18. As per claim 9, Slivka teaches the method of claim 1 as described above. Slivka further teaches denied boarding candidates are involuntary (Slivka: paragraph 0014, “operational disruption”).

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19. As per claims 10 and 23, Slivka teaches the method and machine readable storage of claims 1 and 16 as described above. Slivka further teaches the comparing step comprises the application of a set of rules (Slivka: paragraphs 0024-0026).

20. As per claims 12 and 25, Slivka teaches the method and machine readable storage of claims 10 and 23 as described above. Slivka further teaches the rules comprise arranging said passengers according to passenger frequent flyer status (Slivka: paragraph 0024, “rules engine 113 may associate a data code reflecting a type of travel status of a passenger, such as a frequent flyer status.” and paragraph 0026, “...rules that rank certain types of passengers.”).

21. As per claims 13 and 26, Slivka teaches the method and machine readable storage of claims 10 and 23 as described above. Slivka further teaches the rules require arranging said passengers according to passenger lifetime value data (Slivka: paragraphs 0024-0026, Table 1, and Table 3).

22. As per claim 14, Slivka teaches a system for boarding a commercial airline flight, comprising: means for storing passenger data (Slivka: Figure 1, “108” and “120”); and comparing means for comparing passenger data for denied boarding candidates and for selecting passengers for said flight from said denied boarding candidates according to the passenger data (Slivka: Figure 1, “111” and “113”).

23. As per claim 15, Slivka teaches the system of claim 14 as described above. Slivka further teaches passenger data is passenger financial data (Slivka: paragraphs 0033-0035).

Claim Rejections - 35 USC § 103

24. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

25. Claims 5 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Slivka et al., U.S. Publication No. 2003/0225600 in view of Lancaster et al., U.S. Publication No. 2002/0133456.

26. As per claims 5 and 20, Slivka teaches the method and machine readable storage of claims 3 and 18 as described above. Slivka does not teach the rebooking cost of each passenger.

27. Lancaster teaches the rebooking cost of each passenger (Lancaster: paragraph 0191, "...fees associated with cancellation/rebooks.").

28. It would have been prima facie obvious to one of ordinary skill in the art at the time the invention was made to have modified the method and machine readable storage of Slivka to have included the rebooking cost of each passenger as taught by Lancaster for the advantage of providing the ability to value the financial worth of a negotiated agreement (Lancaster: paragraph 0070).

29. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Slivka et al., U.S. Publication No. 2003/0225600 in view of Walker et al., U.S. Patent No. 6,112,185.

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30. As per claim 8, Slivka teaches the method of claim 1 as described above. Slivka does not teach the denied boarding candidates are volunteers.

31. Walker teaches the denied boarding candidates are volunteers (Walker: column 5, lines 28-34, "...a customer 110 submits an offer to give up a seat in case of overbooking.").

32. It would have been prima facie obvious to one of ordinary skill in the art at the time the invention was made to have modified the method of Slivka to have included the denied boarding candidates are volunteers as taught by Walker for the advantage of providing a method that allows an airline to evaluate the cost of overbooking a flight before accepting a reservation that exceeds the capacity of a plane (Walker: column 5, lines 48-51).

33. Claims 11 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Slivka et al., U.S. Publication No. 2003/0225600 in view of Boies et al., U.S. Publication No. 2002/0082878.

34. As per claims 11 and 24, Slivka teaches the method and machine readable storage of claims 10 and 23 as described above. Slivka does not teach arranging passengers according to a descending revenue impact to the airline.

35. Boies teaches arranging passengers according to a descending revenue impact to the airline (Boies: Figure 4, "430" - The Examiner notes, passengers are arranged by seat class or in descending revenue impact to the airline.).

36. It would have been prima facie obvious to one of ordinary skill in the art at the time the invention was made to have modified the method and machine readable storage of Slivka to have included arranging passengers according to a descending revenue impact to the airline as taught

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by Boies for the advantage of reassigning passengers to different seats within their guaranteed category of seating in order to satisfy a subsequent passenger's request (Boies: paragraph 0008).

Conclusion

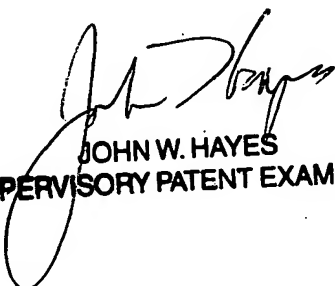
The Examiner has cited particular portions of the references as applied to the claims above for the convenience of the applicant. Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested that the applicant, in preparing the responses, fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the examiner.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Eric Liou whose telephone number is 571-270-1359. The examiner can normally be reached on Monday - Friday, 8:00-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Hayes can be reached on 571-272-6708. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


JOHN W. HAYES
SUPERVISORY PATENT EXAMINER